

ORDINANCE 89-56

AN ORDINANCE PROHIBITING THE USE OF SKATEBOARDS IN THE DOWNTOWN AREA

WHEREAS, the Parks and Recreation Department is opening (has opened) a Skateboard Park located at Fourth and Morton Streets for the express purpose of providing a safe area for skateboard users to skate; and

WHEREAS, the Police Department has received many complaints from businesses, pedestrians and residents in the commercial areas about the difficulty and dangers of walking on sidewalks where skateboards are being used; and

WHEREAS, the Common Council has the authority under I.C. 36-9-2-7 to pass ordinances regulating the use of public streets and sidewalks, and protecting the safety of the public under I.C. 36-8-2-4;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 15.60.030 Prohibition of coasters, skateboards, and roller skates shall be renumbered Section 15.56.025(a) Prohibition of coasters, skateboards, and roller skates.

SECTION II. Section 15.56.025 shall be amended to add the following subsection (b):

(b) Operating a skateboard in the following locations where restrictive signs shall be posted is hereby declared a public nuisance and is therefore prohibited.

STREETS:

On Fourth Street from Indiana Avenue to College Avenue.

On Sixth Street from Washington Street to College Avenue.

On Seventh Street from College Avenue to Walnut Street.

On College Avenue from Seventh Street to Third Street.

On Dunn Street from Fourth Street to Kirkwood Avenue.

On Grant Street from Fourth Street to Kirkwood Avenue.

On Indiana Avenue from Fourth Street to Kirkwood Avenue.

On Kirkwood Avenue (Fifth Street) from Indiana Avenue to Rogers Street.

On Lincoln Street from Fourth Street to Kirkwood Avenue.

On Walnut Street from Seventh Street to Third Street.

On Washington Street from Fourth Street to Sixth Street.

ALLEYS:

E-W alley between Kirkwood Avenue and Fourth Street, from Indiana Avenue to Walnut Street and from College Avenue to Gentry Place and from Madison Street to Rogers Street.

E-W alley between Sixth Street and Kirkwood Avenue, from Indiana Avenue to Walnut Street and from Madison Street to Rogers Street.

E-W alley between Seventh Street and Sixth Street, from Washington Street to College Avenue.

West half of the E-W alley between Kirkwood Avenue and Fourth Street, from College Avenue east to the N-S alley.

N-S alley between Walnut Street and College Avenue, from Seventh Street to Sixth Street, from Fourth Street to Third Street and the south half of the alley between Kirkwood Avenue and Fourth Street.

N-S alley between Washington Street and Walnut Street, from Seventh Street to Kirkwood Avenue and from Fourth Street to Third Street.

N-S alley between Lincoln Street and Washington Street, from Sixth Street to Fourth Street.

N-S alley between Grant Street and Lincoln Street, from Kirkwood Avenue to Fourth Street.

N-S alley between Dunn Street and Grant Street, from Kirkwood Avenue to Fourth Street.

N-S alley between Indiana Avenue and Dunn Street, from Kirkwood Avenue to Fourth Street.

PEDESTRIAN ALLEYS:

East half of the E-W alley between College Avenue and Morton Street, from College Avenue west to the N-S alley between Sixth Street and Kirkwood Avenue.

South 1/2 block from Kirkwood Avenue to the E-W alley between Washington Street and Walnut Street.

First violation of this subsection is a Class E Traffic Infraction and subject to the penalty listed in Section 15.64.010(e). Any subsequent violation committed within a twelve month period shall carry a fine of ten dollars (\$10.00). In addition, the Police Department shall have the authority to seize and hold skateboards operated in violation of this section until payment of the prescribed fine is made at the Ordinance Violations Bureau of the Police Department.

SECTION III. Chapter 15.56 of the Bloomington Municipal Code shall be amended to read "Bicycles, Skateboards and other Foot-Propelled Vehicles" in lieu of "Bicycles" whenever such appears in the title of the chapter.

SECTION IV. Section 15.64.010(e) shall be amended to read "15.56.025 coasters, skateboards and roller skates" in lieu of "15.60.030 roller skating, skate boarding and coasting in street."

SECTION V. Section 2.27.010 shall be amended to add the following subsection (e):

(e) The Police Department: for receipt of penalties for violations of Bloomington Municipal Code Section 15.56.025 Prohibition of coasters, skateboards, and roller skates.

SECTION VI. Severability. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this section are declared to be severable.

SECTION VII. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and promulgation according to law. The Common Council shall review this Ordinance approximately one year after its effective date.

PASSED and ADOPTED by the Common Council of the City of Bloomington,
Monroe County, Indiana, upon this _____ day of _____,
1989.

JAMES C. REGESTER, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe
County, Indiana, upon this _____ day of _____, 1989.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____,
1989.

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance, requested by the Police Department, prohibits skateboarding on sidewalks and alleys in the downtown business area. The Traffic Commission and Board of Parks and Recreation approved banning skateboard use on sidewalks in the downtown area. Skateboarders, instead, will be able to use the newly opened facility offered by the Parks and Recreation Department. A skateboard operated in violation of this ordinance may be temporarily held until the fine has been paid. At that time, to ensure future compliance with and promulgation of this regulation, the nature and extent of the public nuisance of skateboarding in the prohibited downtown areas will be explained to the violator.